

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL GREENWOOD,)	Case No. _____
)	
Plaintiff,)	
)	
vs.)	COMPLAINT
)	
GT EXHAUST, INC.,)	
)	
Defendant.)	

Jurisdiction

1. Plaintiff was a resident of the state of Nebraska during all time relevant to this complaint.
2. Defendant was operating a manufacturing plant that employed the plaintiff in Lincoln, Nebraska.
3. Plaintiff was terminated by the defendant on March 5, 2015.
4. Plaintiff filed a timely charge of discrimination with the Nebraska Equal Opportunity Commission (NEOC) and the United States Equal Employment Opportunity Commission. (EEOC).
5. Plaintiff has exhausted his applicable administrative remedies and has filed a timely complaint in this court.

Facts

6. Plaintiff was hired to work as a production supervisor by the defendant on June 23, 2014.
7. Plaintiff's disability was an amputated leg that effected major life activities including standing and walking.
8. The defendant was aware of plaintiff's disability because plaintiff's prosthesis was visible at a post-hire physical examination.
9. Plaintiff's job required him to ambulate on the production floor but it also required him to paperwork which could be done at a desk.
10. Defendant gave plaintiff a stand up desk which caused irritation and pain in his amputated leg.

11. Plaintiff asked his first direct supervisor, Bruce Herzberg, for a stool at his desk but that request was denied.
12. Plaintiff asked his second direct supervisor, Nate Pendell, for a stool at his desk but that request was denied.
13. Other production supervisors had sit down desks with chairs on the production floor.
14. The fact that plaintiff was forced to stand continuously forced the plaintiff to miss work which lead him to be disciplined for missing work.
15. In January 2015 plaintiff received a positive performance evaluation and raise from the defendant in a six month evaluation.
16. That between December 2014 and March 5, 2015 plaintiff was not counseled about his attendance.
17. That on March 5, 2015 plaintiff was terminated for having too many absences.
18. That defendant did not follow their own procedures in terminating the defendant.

Counts 1 and 2

19. That the defendant failed to accommodate plaintiff's disability as required by the Americans with Disabilities Act and Nebraska Fair Employment Practices Act for the following reasons including but not limited to:
 - a) That plaintiff could perform the essential functions of job with or without reasonable accommodation.
 - b) That the plaintiff suggested the reasonable accommodation of allowing the plaintiff have a stool at his desk, but the defendant denied.
 - c) That plaintiff received a positive evaluation for his job performance.
 - d) That though plaintiff was missing work for leg pain the defendant never offered to make the accommodation of allowing the plaintiff to have a stool at his desk.
20. That the defendant retaliated against the plaintiff for asking for reasonable accommodation for his disability for the following reasons, including but not limited to:
 - a. All reasons stated in Paragraph 20 a-d.
 - b. That defendant was aware that plaintiff had the disability of having an amputated leg.

- c. That defendant was aware that plaintiff had asked for an accommodation for his disability.
- d. That defendant took adverse action against the plaintiff by not accommodating his disability and by terminating his employment.

Prayer and Request for Jury Trial

Plaintiff asks for trial by jury to determine the rights and liabilities of the parties and asks this court for relief available under the laws applicable to this cause of action.

MICHAEL GREENWOOD, Plaintiff

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